

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

MILTENBERGER, Robert
SS# xxx-xx-0619
Debtor

Chapter 13
Case No. 18-12943-JNF

TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Now comes Carolyn Bankowski, Standing Chapter 13 Trustee ("Trustee"), and respectfully objects to confirmation of the Debtor's Chapter 13 Plan, (the "Plan"), and for reasons says as follows:

1. On September 12, 2018, the Trustee convened the §341 meeting of creditors at which the Debtor was present with counsel. On November 27, 2018 the Debtor filed an amended Plan.
2. The Debtor's proposed plan cannot be confirmed.
3. Part 2.B. is inconsistent with Exhibit 1. Part 2.B. proposes payments in the sum of \$957.00 for months 1-3 and payments in the sum of \$1,846.00 for months 4-60. This does not match Exhibit 1. According to Exhibit 1, the monthly payments are \$333.34 for 3 months and \$1,846.00 per month for 57 months. Further, the Debtor has only made one payment on September 18, 2018. The Debtor has not demonstrated an ability to make monthly payments.

WHEREFORE, the Trustee requests that the Court sustain the objection to confirmation and grant such other relief as is proper.

Dated: December 14, 2018

Respectfully submitted,

By: /s/ Carolyn Bankowski
Carolyn Bankowski, BBO#631056
Patricia A. Remer, BBO#639594
Standing Chapter 13 Trustee
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Certificate of Service

The undersigned hereby certifies that on December 14, 2018, a copy of the Trustee's Objection to Debtors' Chapter 13 Plan was served via first class mail, postage prepaid or by electronic notice on the debtors and debtors counsel at the addresses set forth below.

Robert Miltenberger
109 Farmersville Road
Sandwich, MA 02563

Michael Van Dam
Van Dam Law LLP
233 Needham Street
Suite 540
Newton, MA 02464

/s/ Carolyn Bankowski